

REMARKS

Claims 1-31 and 33-52 are pending.

In this Amendment, claims 1, 2, 3, 11, 13, 22, 23, 30 and 40 are amended.

Reconsideration of the outstanding rejections in the present application are requested based on the following remarks.¹

No new matter has been added by this Amendment. Support for the amendments to the claims may be found on page 11 of the originally filed application and in the drawings, for example.

A. **THE DISCUSSIONS**

Applicant appreciates the courtesies extended to Applicant's representative, James Miner, by Examiner Bruckart in the discussions on or about September 24, 2009. In the discussions, it was discussed how the claims might be amended to further distinguish over the applied art.

In response to the discussions, Applicant has variously amended the claims. In particular, Applicant has amended the claims based on the comments on page 15, lines 1-2, of the May 1, 2009 Office Action.

The Examiner is requested to review the amended claims. Applicant welcomes further comments and suggestions from the Examiner regarding how the claims might be amended to yet further distinguish over the art.

For at least the reasons set forth herein, Applicant submits that the claims define patentable subject matter.

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (*e.g.*, assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

B. THE REJECTION UNDER 35 U.S.C. § 102(e)

Claims 1, 7, 11-20, 17-20, 22-23, 26-29, and 46-50 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent 6,850,531 to Rao *et al.* ("Rao"). *Office Action*, p. 3. This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. As stated in MPEP § 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Regarding claim 1, the Office Action asserts that Rao discloses the claimed invention, as set forth in previously amended claim 1. Applicant respectfully maintains that Rao fails to disclose a multiple port unit adapted for coupling one or more computers to multiple peripheral devices over a network, said multiple port unit comprising: plural network ports, each of said network ports being configured to couple the multiple port unit to a computer via one or more hubs over a respective network link," as recited in claim 1 of the present application. (Emphasis added).

In support of the rejection, on page 3, lines 6-12, the Office Action, with regard to the alleged teachings of Rao, asserts:

Regarding claim 1,

a multiple port unit adapted for coupling one or more computers to multiple peripheral devices over a network (Rao: col. 4, lines 54-67; Fig. 1), said multiple port unit comprising:

plural network ports, each of said network ports being configured to couple the multiple port unit to a computer via **one or more hubs** over a respective network link (Rao: col. 5, lines 8-24; the hubs are the FMs in which connections are made. The cards are the inputs/outputs or hubs where data routed to/from);

(emphasis added)

Relatedly, on page 15, the Office Action asserts:

The Applicant Argues:

1) The Rao reference does not teach "one or more hubs" as amended. In response, the examiner respectfully submits:
The examiner maintains the rejection because the Rao reference teaches the argued limitations. The hubs are rather undefined as they are used in the claims and cited in the specification. The hub is interpreted to mean a joining of links. The Rao reference utilizes Module cards which is where input and output connections are made, sometimes with the assistance of daughter cards that allow use of Ethernet or serial connections. **Therefore the FM cards (col. 5, lines 8-24) are the hubs in which connections are made. The cards are the inputs/outputs or hubs where data routed to/from.**

(emphasis added)

In the referenced portion of Rao, Rao discloses that:

Each **FM 10** may have associated application-specific **daughter cards**, referred to as personality modules (PMs) 12, for additional physical line interfaces or support hardware. In the preferred embodiment, there are one or two PMs associated with each FM. Exemplary PMs 12 include Ethernet switch PMs 12a, primary rate interface PMs 12b, digital modem server PMs 12c, and serial data interface PMs 12d. Together, the FMs 10 and PMs 12 allow an ISP to provide a wide range of services and support a wide range of applications, all within a single platform.

The Ethernet switch PM 12a enables a LAN connection to a public network, such as the Internet. This module is typically used to connect server farms, intranets, and Web servers to the Internet. According to one embodiment of the invention, the Ethernet switch PM 12a provides twelve 10 Mb Ethernet ports and two 10/100 Mb auto-sensing Ethernet/fast Ethernet ports.

Rao, C. 5, ll. 8-24. Applicant submits that Rao fails to disclose that the plural network ports are configured to couple the multiple port unit to a computer via one or more hubs over a respective network link, as recited in claim 1, and submits that Rao does not disclose each and every element recited in claim 1.

To explain, Applicant notes that the above assertions regarding Rao refer to the same section of Rao as was relied upon prior to the inclusion of the feature of the "hub". In light of

such, Applicant submits that the rejection fails to now set forth which feature of Rao is relied upon to allegedly teach the claimed “plural network ports”. Applicant submits that it appears a single feature of Rao is being relied upon to teach multiple features of the claimed invention, i.e., in that the same portion of Rao is being relied upon as before the inclusion of the “one or more hubs”.

Further, Applicant respectfully submits that the basis of the rejection is further rendered unclear and deficient in that the Office Action, as set forth above, asserts:

... the hubs are the FMs in which connections are made. The cards are the inputs/outputs or hubs where data routed to/from ...

Accordingly, the Office Action appears to rely on the “FMs” of Rao as the claimed hubs on one hand, and the “cards” of Rao as the claimed hubs on the other hand. Hand in hand with such assertions, as noted above, the Office Action fails to set forth what feature of Rao is relied upon to allegedly teach the claimed “plural network ports”. In light of such deficiencies, Applicant submits that the rejection of claim 1 is not supportable. Applicant requests clarification of the basis of the rejection or withdrawal of the rejection.

Regarding independent claims 11, 22, 30, and 40, since these claims contain similar limitations as argued above with respect to independent claim 1, the same arguments apply to these independent claims.

Regarding the dependent claims, these claims are dependent upon independent claims 1, 11, or 22. Thus, since independent claims 1, 11, and 22 should be allowable, such dependent claims are allowable based on their dependency, as well as the additional features such dependent claims recite.

Accordingly, Applicant respectfully requests that the rejection of claims 1, 7, 11-20, 17-20, 22-23, 26-29, and 46-50 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

C. THE 35 U.S.C. 103 REJECTIONS

Claims 13-16, 52; 24-25; 30-31,33-45 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,850,531 by Rao et al in view of U.S. Patent No. 5,627,766 by Beaven. *Office Action*, p. 7. Claim 21 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Rao in view of U.S. Patent 6,222,714 to Hoffman *et al.* ("Hoffman"). *Office Action*, p. 12. Claims 2 and 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rao in view of U.S. Patent 6,591,314 to Colbath. *Office Action*, p. 12. Claims 3-6, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,850,531 by Rao et al in view of U.S. Patent No. 6,591,314 by Colbath in further view of U.S. Patent No. 5,627,766 by Beaven. *Office Action*, p. 13.

Applicant submits that even if it were obvious to modify the applied art as proposed in the Office Action, which Applicant does not admit, such modification would still fail to cure the deficiencies discussed above.

In view of the foregoing, Applicant respectfully submits that the aforementioned obviousness rejections of such claims be withdrawn.

D. CONCLUSION

The foregoing is submitted as a full and complete Response to the pending Office Action mailed. Applicant looks forward to working with the Examiner to move the application to allowance.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0206, and please credit any excess fees to such deposit account.

Respectfully submitted,

Date: **October 1, 2009**



James R. Miner
Registration No. 40,444

HUNTON & WILLIAMS LLP
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102
Phone 703-714-7400
Fax 703-714-7410